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#### REMARKS

Applicants have withdrawn claims 58-78 as being directed to non-elected subject matter.

#### Restriction Requirement

In the above-identified Office Action, the examiner set forth a restriction requirement and required election of one of the following groups under 35 U.S.C. § 121:

- Group I: Claims 1-57 drawn to recombinant nucleic acids encoding AAV rep and cap proteins from different AAV serotypes, recombinant AAV virions and vector libraries comprising vectors comprising said sequences encoding said rep and cap proteins, classified in class 435, subclass 320.1.
- Group II: Claims 58-78, drawn to a method of mutating nucleic acid sequences encoding AAV cap proteins so as to generate a plurality of mutant sequences, placing said mutants into vectors to form a plurality of vectors and introducing said vectors into host cells, classified in class 435, subclass 456.

In response Applicants elect Group I, claims 1-57. This election is made without traverse. The elected claims set forth, herein, are merely to comply with the Restriction Requirement and is not to be construed as surrender of any subject matter in the instant application. Applicants hereby reserve the right to pursue the subject matter of the canceled claims in one or more divisional patent applications.

Applicants invite the Examiner to call the undersigned if it is believed that the above restriction election is incomplete or improper in any way, or if a telephonic interview will expedite the prosecution of the application to an allowance.

This response is timely filed within the set shortened statutory period, and as such, Applicants believe that no extensions of time or fees are due with the submission of this paper. Although, Applicants believe that no extensions of time or fees are required with submission of this paper, Applicants request that this submission also be considered as a petition for any extensions of time if necessary. The Commissioner for Patents and Trademarks is hereby authorized to charge the amount due for any retroactive extensions

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of time and any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing or during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,



Dated: September 9, 2005

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